

AN ACT  
**D.C. ACT 24-781**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**JANUARY 19, 2023**

To provide for comprehensive policing and justice reform for District residents and visitors, and for other purposes.

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BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Comprehensive Policing and Justice Reform Amendment Act of 2022”.

TITLE I. IMPROVING POLICE ACCOUNTABILITY AND TRANSPARENCY  
SUBTITLE A. PROHIBITING THE USE OF ASPHYXIATING RESTRAINTS AND NECK RESTRAINTS

Sec. 101. The Limitation on the Use of the Chokehold Act of 1985, effective January 25, 1986 (D.C. Law 6-77; D.C. Official Code § 5-125.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 5-125.01) is amended to read as follows:

"Sec. 2. (a) The Council finds that law enforcement officers' use of neck restraints, or any other technique that causes asphyxiation, presents an unnecessary danger to the public and constitutes excessive force.

"(b) On May 25, 2020, Minneapolis Police Department officer Derek Chauvin murdered George Floyd by applying a neck restraint to Floyd with his knee for 8 minutes and 46 seconds. Hundreds of thousands, if not millions, of people across the world, including in the District, took to the streets to peacefully protest injustice, racism, white supremacy, and police brutality against Black people and other people of color. Chauvin was ultimately found guilty of second-degree unintentional murder, third-degree murder, and second-degree manslaughter.

"(c) Police brutality is abhorrent and antithetical to the District's values. It is the intent of the Council that this act unequivocally strengthen the 1985 ban on the use of neck restraints and other techniques that can cause asphyxiation by law enforcement officers."

(b) Section 3 (D.C. Official Code § 5-125.02) is amended as follows:

(1) Paragraph (1) is repealed.

(2) Paragraph (2) is repealed.

(3) New paragraphs (3), (4), (5), and (6) are added to read as follows:

"(3) "Asphyxiating restraint" means:

"(A) The use of any body part or object by a law enforcement officer against a person with the purpose, intent, or effect of controlling or restricting the person's airway or severely restricting the person's breathing, except in cases where the law enforcement officer is acting in good faith to provide medical care or treatment, such as by providing cardiopulmonary resuscitation; or

"(B) The placement of a person by a law enforcement officer in a position in which that person's airway is restricted.

"(4) "Law enforcement officer" means:

"(A) An officer or member of the Metropolitan Police Department or of any other police force operating in the District;

"(B) An investigative officer or agent of the United States;

"(C) An on-duty, civilian employee of the Metropolitan Police Department;

"(D) An on-duty, licensed special police officer;

"(E) An on-duty, licensed campus police officer;

"(F) An on-duty employee of the Department of Corrections or Department of Youth Rehabilitation Services;

"(G) An on-duty employee of the Court Services and Offender Supervision

Agency, Pretrial Services Agency, or Family Court Social Services Division; and

"(H) An employee of the Office of the Inspector General who, as part of their official duties, conducts investigations of alleged felony violations.

"(5) "Neck restraint" means the use of any body part or object by a law enforcement officer to apply pressure against a person's neck, including the trachea, carotid



artery, or jugular vein, with the purpose, intent, or effect of controlling or restricting the person's movement, blood flow, or breathing.

"(6) 'Prohibited technique' means an asphyxiating restraint or a neck restraint."

(c) Section 4 (D.C. Official Code § 5-125.03) is amended to read as follows:

"Sec. 4. Use of prohibited techniques.

"(a) It shall be unlawful:

"(1) To use a prohibited technique; or

"(2) If a law enforcement officer observes another law enforcement officer's use of a prohibited technique, to fail to immediately, for the person on whom the prohibited technique was used:

"(A) Render, or cause to be rendered, first aid; or

"(B) Request emergency medical services."

Sec. 102. Section 3 of the Federal Law Enforcement Officer Cooperation Act of 1999, effective May 9, 2000 (D.C. Law 13-100; D.C. Official Code § 5-302), is amended by striking the phrase "use of trachea and carotid artery holds under sections 3 and 4 of the Limitation on the Use of the Chokehold Act of 1985, effective January 25, 1986 (D.C. Law 6-77; D.C. Official Code § 5-125.01 *et seq.*)," and inserting the phrase "use of prohibited techniques, as that term is defined in section 3(6) of the Limitation on the Use of the Chokehold Act of 1985, effective January 25, 1986 (D.C. Law 6-77; D.C. Official Code § 5-125.02(6))," in its place.

#### SUBTITLE B. IMPROVING ACCESS TO BODY-WORN CAMERA VIDEO RECORDINGS

Sec. 103. Section 3004 of the Body-Worn Camera Regulation and Reporting Requirements Act of 2015, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 5-116.33), is amended as follows:

(a) The section heading is amended by striking the phrase "reporting requirements." and inserting the phrase "reporting requirements; access." in its place.

(b) Subsection (a) is amended as follows:

(1) Paragraph (3) is amended by striking the phrase "interactions;" and inserting the phrase "interactions, and the results of those internal investigations, including any discipline imposed;" in its place.

(2) Paragraph (7) is amended to read as follows:

"(7) How many Freedom of Information Act requests the Metropolitan Police Department ("Department") received for body-worn camera recordings during the reporting period, the outcome of each request, including any reasons for denial, any costs invoiced to the requestor, the cost to the Department for complying with each request, including redaction, and the length of time between the initial request and the Department's final response; and".

(c) New subsections (c), (d), (e), (f), and (g) are added to read as follows:

"(c) Notwithstanding any other law:



“(1) Within 5 business days after a request from the Chairperson of the Council Committee with jurisdiction over the Metropolitan Police Department (“Chairperson”), the Metropolitan Police Department shall provide unredacted copies of the requested body-worn camera recordings to the Chairperson and the Councilmember elected by the Ward in which the incident occurred. Such body-worn camera recordings shall not be publicly disclosed by the Chairperson or the Council; and

“(2) The Mayor:

“(A) Shall, except as provided in paragraph (3) of this subsection:

“(i) Within 5 business days after an officer-involved death or the serious use of force, publicly release:

“(I) The names and body-worn camera recordings of all officers directly involved in the officer-involved death or serious use of force; and

“(II) A description of the incident; and

“(ii) Maintain, on the website of the Metropolitan Police Department in a format readily accessible and searchable by the public, the names and body-worn camera recordings of all officers who were directly involved in an officer-involved death since the Body-Worn Camera Program was launched on October 1, 2014; and

“(B) May, on a case-by-case basis in matters of significant public interest and after consultation with the Chief of Police, the Office of the Attorney General, and the United States Attorney's Office for the District of Columbia, publicly release any other body-worn camera recordings that may not otherwise be releasable pursuant to a FOIA request or subparagraph (A) of this paragraph.

“(3)(A) The Mayor shall not release a body-worn camera recording pursuant to paragraph (1)(A) of this subsection if the following persons inform the Mayor, orally or in writing, that they do not consent to its release:

“(i) For a body-worn camera recording of an officer-involved death, the decedent's next of kin; and

“(ii) For a body-worn camera recording of a serious use of force, the individual against whom the serious use of force was used, or if the individual is a minor or unable to consent, the individual's next of kin.

“(B)(i) In the event of a disagreement between the persons who must consent to the release of a body-worn camera recording pursuant to subparagraph (A) of this paragraph, the Mayor shall seek a resolution in the Superior Court of the District of Columbia.

“(ii) The Superior Court of the District of Columbia shall order the release of the body-worn camera recording if it finds that the release is in the interest of justice.

“(d) Before publicly releasing a body-worn camera recording of an officer-involved death, the Metropolitan Police Department shall:

“(1) Consult with an organization with expertise in trauma and grief on best practices for providing the decedent's next of kin with a reasonable opportunity view the body-worn camera recording privately in a non-law enforcement setting prior to its release; and

"(2) In a manner that is informed by the consultation described in paragraph (1) of this subsection:

"(A) Provide actual notice to the decedent's next of kin at least 24 hours before the release, including the date on and the manner in which it will be released;

"(B) Offer the decedent's next of kin a reasonable opportunity to view the body-worn camera recording privately in a non-law enforcement setting; and

"(C) If the next of kin accepts the offer in subparagraph (B) of this paragraph, provide the decedent's next of kin a reasonable opportunity to view the body-worn camera recording privately in a non-law enforcement setting.

"(e)(1) Metropolitan Police Department officers shall not review their body-worn camera recordings or body-worn camera recordings that have been shared with them to assist in initial report writing.

"(2) Officers shall indicate, when writing any subsequent reports, whether the officer viewed body-worn camera footage prior to writing the subsequent report and specify what body-worn camera footage the officer viewed.

"(f) When releasing body-worn camera recordings, the likenesses of any local, county, state, or federal government employees acting in their professional capacities, other than those acting undercover, shall not be redacted or otherwise obscured.

"(g) For the purposes of this section, the term:

"(1) "FOIA" means Title II of the District of Columbia Administrative Procedure Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*).

"(2) "Next of kin" means the priority for next of kin as provided in Metropolitan Police Department General Order 401.08, or its successor directives.

"(3) "Serious use of force" means any:

"(A) Firearm discharges by a Metropolitan Police Department officer, with the exception of range and training incidents;

"(B) Head strikes by a Metropolitan Police Department officer with an impact weapon;

"(C) Use of force by a Metropolitan Police Department officer:

"(i) Resulting in serious bodily injury;

"(ii) Resulting in a loss of consciousness, or that create a substantial risk of death, serious disfigurement, disability or impairment of the functioning of any body part or organ;

"(iii) Involving the use of a prohibited technique, as that term is defined in section 3(6) of the Limitation on the Use of the Chokehold Act of 1985, effective January 25, 1986 (D.C. Law 6-77; D.C. Official Code § 5-125.02(6)); and

"(iv) Resulting in a death; and

"(D) Incidents in which a Metropolitan Police Department canine bites a person."

Sec. 104. Chapter 39 of Title 24 of the District of Columbia Municipal Regulations is amended as follows:

(a) Section 3900 is amended as follows:

(1) Subsection 3900.9 is amended to read as follows:

“3900.9. (a) Members shall not review their BWC recordings or BWC recordings that have been shared with them to assist in initial report writing.

“(b) Members shall indicate, when writing any subsequent reports, whether the member viewed BWC footage prior to writing the subsequent report and specify what BWC footage the member viewed.”.

(2) Subsection 3900.10 is amended to read as follows:

“3900.10. (a) Notwithstanding any other law, the Mayor:

“(1) Shall, except as provided in paragraph (b) of this subsection:

“(A) Within 5 business days after an officer-involved death or the serious use of force, publicly release:

“(i) The names and body-worn camera recordings of all officers directly involved in the officer-involved death or serious use of force; and

“(ii) A description of the incident; and

“(B) Maintain, on the website of the Metropolitan Police Department in a format readily accessible and searchable by the public, the names and body-worn camera recordings of all officers who were directly involved in an officer-involved death since the Body-Worn Camera Program was launched on October 1, 2014; and

“(2) May, on a case-by-case basis in matters of significant public interest and after consultation with the Chief of Police, the Office of the Attorney General, and the United States Attorney's Office for the District of Columbia, publicly release any other body-worn camera recordings that may not otherwise be releasable pursuant to a FOIA request or paragraph (a)(1)(A) of this subsection.

“(b)(1) The Mayor shall not release a body-worn camera recording pursuant to paragraph (a)(1)(A) of this subsection if the following persons inform the Mayor, orally or in writing, that they do not consent to its release:

“(A) For a body-worn camera recording of an officer-involved death, the decedent's next of kin; and

“(B) For a body-worn camera recording of a serious use of force, the individual against whom the serious use of force was used, or if the individual is a minor or unable to consent, the individual's next of kin.

“(2)(A) In the event of a disagreement between the persons who must consent to the release of a body-worn camera recording pursuant to subparagraph (1) of this paragraph, the Mayor shall seek a resolution in the Superior Court of the District of Columbia.

“(B) The Superior Court of the District of Columbia shall order the release of the body-worn camera recording if it finds that the release is in the interest of justice.

“(c) Before publicly releasing a body-worn camera recording of an officer-involved death, the Metropolitan Police Department shall:



“(1) Consult with an organization with expertise in trauma and grief on best practices for providing the decedent’s next of kin with a reasonable opportunity view the body-worn camera recording privately in a non-law enforcement setting prior to its release; and

“(2) In a manner that is informed by the consultation described in subparagraph (1) of this paragraph:

“(A) Provide actual notice to the decedent’s next of kin at least 24 hours before the release, including the date on which it will be released;

“(B) Offer the decedent’s next of kin a reasonable opportunity to view the body-worn camera recording privately in a non-law enforcement setting; and

“(C) If the next of kin accepts the offer in sub-subparagraph (B) of this subparagraph, provide the decedent’s next of kin a reasonable opportunity to view the body-worn camera recording privately in a non-law enforcement setting.”.

(b) Section 3901.2 is amended by adding a new paragraph (a-1) to read as follows:

“(a-1) Recordings related to a request from or investigation by the Chairperson of the Council Committee with jurisdiction over the Department;”.

(c) Section 3902 is amended as follows:

(1) Subsection 3902.3 is amended by striking the phrase “to MPD” and inserting the phrase “to the Department” in its place.

(2) Subsection 3902.4 is amended to read as follows:

“3902.4. Notwithstanding any other law, within 5 business days after a request from the Chairperson of the Council Committee with jurisdiction over the Department (“Chairperson”), the Department shall provide unredacted copies of the requested BWC recordings to the Chairperson. Such BWC recordings shall not be publicly disclosed by the Chairperson or the Council; except, that the Councilmember representing the Ward in which the incident occurred may jointly view the recordings.”.

(3) Subsection 3902.5 is amended to read as follows:

“3902.5. (a) Pursuant to policy directives adopted under the authority of § 3900.3, the Department shall schedule a time for the following individuals to view a BWC recording:

“(1) Any subject of the BWC recording;

“(2) The subject’s legal representative;

“(3) If the subject is a minor, the subject’s parent or legal guardian; and

“(4) If the subject is deceased, the subject’s parent, legal guardian, next of kin, and their respective legal representatives.

“(b) Notwithstanding paragraph (a) of this subsection:

“(1) None of the individuals listed in paragraph (a) of this subsection may make a copy of the BWC recording; and

“(2) The Department may not schedule a time to view the BWC recording if access to the unredacted BWC recording would violate a recognized privacy right of another subject.”.

(4) A new subsection 3902.9 is added to read as follows:

"3902.9. When releasing body-worn camera recordings, the likenesses of any local, county, state, or federal government employees acting in their professional capacities, other than those acting undercover, shall not be redacted or otherwise obscured."

(d) Section 3999.1 is amended by inserting definitions between the definitions of "metadata" and "subject" to read as follows:

"Next of kin" means the priority for next of kin as provided in MPD General Order 401.08, or its successor directive.

"Serious use of force" means any:

"(1) Firearm discharges by a Metropolitan Police Department officer, with the exception of range and training incidents;

"(2) Head strikes by a Metropolitan Police Department officer with an impact weapon;

"(3) Use of force by a Metropolitan Police Department officer:

"(A) Resulting in serious physical injury;

"(B) Resulting in a loss of consciousness, or that create a substantial risk of death, serious disfigurement, disability or impairment of the functioning of any body part or organ;

"(C) Involving the use of a prohibited technique, as that term is defined in section 3(6) of the Limitation on the Use of the Chokehold Act of 1985, effective January 25, 1986 (D.C. Law 6-77; D.C. Official Code § 5-125.02(6)); and

"(D) Resulting in a death; and

"(4) Incidents in which a Metropolitan Police Department canine bites a person."

#### SUBTITLE C. OFFICE OF POLICE COMPLAINTS REFORMS

Sec. 105. The Office of Citizen Complaint Review Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-208; D.C. Official Code § 5-1101 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 5-1101) is amended by adding new paragraphs (3A) and (3B) to read as follows:

"(3A) Members of the District of Columbia Housing Authority Police Department ("DCHAPD") are also authorized to make arrests, carry a firearm, and perform other functions normally reserved for members of the Metropolitan Police Department. As the powers of DCHAPD officers closely resemble the powers of MPD officers, an effective system of police oversight must include a process for resolving allegations concerning DCHAPD officers.

"(3B) Employees of the Office of the Inspector General ("OIG") are authorized to carry a firearm, make warrantless arrests for felony violations of the law, and serve as affiants for search warrants. As the powers of this specific class of OIG employees have powers that closely resemble the powers of MPD officers, an effective system of police oversight must include a process for resolving allegations concerning OIG employees conducting felony investigations."

(b) The lead-in language of section 3 (D.C. Official Code § 5-1102) is amended by striking the phrase "citizen complaints against police officers" and inserting the phrase "complaints against law enforcement officers" in its place.

(c) Section 4 (D.C. Official Code § 5-1103) is amended as follows:

(1) New paragraphs (2A), (2B), and (2C) are added to read as follows:

“(2A) “DCHA” means the District of Columbia Housing Authority.

“(2B) “DCHAPD” means the District of Columbia Housing Authority Police Department.

“(2C) “Designated agency principal” means:

“(A) The Police Chief, for cases in which the subject police officer or employee is a member of the MPD;

“(B) The DCHA Director, for cases in which the subject police officer or employee is a member of the DCHAPD; or

“(C) The Inspector General, for cases in which the subject police officer or employee is a member of the OIG authorized to conduct felony investigations.”.

(2) A new paragraph (3B) is added to read as follows:

“(3B) “MPD” means the Metropolitan Police Department.”.

(3) A new paragraph (5) is added to read as follows:

“(5) “OIG” means the Office of the Inspector General.”.

(d) Section 5 (D.C. Official Code § 5-1104) is amended as follows:

(1) Subsection (a) is amended to read as follows:

“(a)(1) There is established a Police Complaints Board (“Board”). The Board shall be composed of 9 members, which shall include one member from each Ward and one at-large member, none of whom shall have a current or prior affiliation with law enforcement, including being employed by a law enforcement agency or law enforcement union.

“(2) The Board members shall be District residents and represent the District’s geographic, demographic, and cultural diversity.

“(3)(A) The members of the Board shall be appointed by the Mayor, subject to confirmation by the Council.

“(B) The Mayor shall submit a nomination to the Council for a 90-day period of review, excluding days of Council recess.

“(C) If the Council does not approve the nomination by resolution within this 90-day review period, the nomination shall be deemed disapproved.”.

(2) Subsection (b) is amended by striking the phrase “The Mayor shall designate the chairperson of the Board, and may remove a member of the Board from office for cause.” and inserting the phrase “The Board shall select a chairperson from among its members. The Mayor may remove a member of the Board from office for cause.” in its place.

(3) Subsection (c) is amended by striking the number “3” and inserting the number “5” in its place.

(4) Subsection (d) is amended to read as follows:

“(d) The Board shall conduct periodic reviews of the complaint review process and make recommendations, where appropriate, to the Mayor, the Council, and the designated agency principal concerning the status and the improvement of the complaint process and the



management of the MPD and the DCHAPD affecting the incidence of police misconduct, such as the recruitment, training, evaluation, discipline, and supervision of police officers.”.

(5) Subsection (d-2) is amended as follows:

(A) Paragraph (1) is amended to read as follows:

“(1) The Board shall review the following with respect to the MPD, the DCHAPD, or the OIG:

“(A) The number, type, and disposition of complaints received, investigated, sustained, or otherwise resolved;

“(B) The race, national origin, gender, and age of the complainant, if known, and the subject officer or officers;

“(C) The proposed discipline and the actual discipline imposed on a law enforcement officer as a result of any sustained complaint;

“(D) All use of force incidents, serious use of force incidents, and serious physical injury incidents; and

“(E) Any in-custody death.”.

(B) Paragraph (2) is amended by striking the phrase “have timely and complete access to information” and inserting the phrase “have unfettered access to all information” in its place.

(C) Paragraph (3) is repealed.

(D) Paragraph (4) is amended by striking the phrase “the MPD to” both times it appears and inserting the phrase “the MPD, the DCHAPD, or the OIG to” in its place.

(E) Paragraph (5) is amended by striking the phrase “the MPD” and inserting the phrase “the MPD, DCHAPD, or OIG, respectively” in its place.

(F) A new paragraph (7) is added to read as follows:

“(7) In its review of in-custody deaths described in paragraph (1)(E) of this subsection, the Board shall issue findings related to, and recommendations in response to, each death.”.

(6) Subsection (d-3)(2)(C) is amended by striking the phrase “citizen complaints” and inserting the word “complaints” in its place.

(7) A new subsection (d-4) is added to read as follows:

“(d-4)(1) The Police Chief shall, prior to issuing a new, or amending an existing, written directive, submit the new or amended written directive to the Board for feedback.

“(2) The Board shall, within 15 business days of receipt of the new or amended written directive, provide the Police Chief written feedback, which shall include consideration of whether the proposed written directive:

“(A) Reduces the likelihood of confrontations between law enforcement officers and residents and visitors;

“(B) Increases transparency, accountability, and procedural justice in policing;

“(C) Promotes racial equity;

“(D) Increases public confidence in law enforcement agencies; and

“(E) Complies with local and federal law.

“(3) Notwithstanding paragraph (1) of this subsection, the Police Chief may issue a new, or amend an existing, written directive prior to receiving feedback from the Board if 15 business days have expired since the MPD submitted the proposed directive to the Board or the Police Chief submits a written rationale to the Board explaining why an exigency exists.

“(4) For the purposes of this subsection, the term “written directive” means a rule or regulation issued by the Mayor or Police Chief applicable to MPD employees including general orders, special order, circulars, standard operating procedures, and bureau or division orders, that are not purely administrative.”.

(e) Section 7 (D.C. Official Code § 5-1106) is amended as follows:

(1) Subsection (a) is amended to read as follows:

“(a)(1) The Executive Director shall employ qualified persons or utilize the services of qualified volunteers, as necessary, to perform the work of the Office, including the investigation of complaints.

“(2) The Executive Director may employ persons on a full-time or part-time basis, or retain the services of contractors for the purpose of resolving a particular case or cases, as may be determined by the Executive Director; except, that complaint investigators may not be persons currently or formerly employed by the:

“(A) MPD;

“(B) DCHAPD; or

“(C) OIG, if the current or former employee was authorized to conduct felony investigations.

“(3) The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), shall apply to the Executive Director and other employees of the Office.”.

(2) Subsection (c) is amended to read as follows:

“(c)(1) Subject to approval of the Board, the Executive Director shall establish a pool of qualified persons who shall be assigned by the Executive Director to carry out the mediation and complaint determination functions (“pool”) set forth in this act.

“(2) In selecting a person to be a member of the pool, the Executive Director shall take into consideration each person’s education, work experience, competence to perform the functions required of a dispute mediator or complaint hearing examiner and general reputation for competence, impartiality, and integrity in the discharge of their responsibilities.

“(3) No member of the pool shall be a current or former employee of the:

“(A) MPD;

“(B) DCHAPD; or

“(C) OIG, if the current or former employee was authorized to conduct felony investigations.

“(4) For their services, the members of the pool shall be entitled to such compensation as the Executive Director, with the approval of the Board, shall determine; provided that the compensation shall be on a per-case basis, not a per-hour, basis.”.

(f) Section 8 (D.C. Official Code § 5-1107) is amended as follows:

(1) Subsection (a) is amended as follows:

(A) The lead-in language is amended by striking the phrase "a citizen complaint" and inserting the phrase "a complaint" in its place.

(B) Paragraph (5) is amended by striking the phrase "; or" and inserting a semicolon in its place.

(C) Paragraph (6) is amended by striking the period and inserting the phrase "; or" in its place.

(D) A new paragraph (7) is added to read as follows:

"(7) Recklessly making false statements in applications for search warrants, arrest warrants, or in sworn testimony before a court of competent jurisdiction."

(2) Subsection (a-1) is amended to read as follows:

"(a-1) If the MPD, DCHAPD, or OIG receives a complaint under subsection (a) of this section, the designated agency principal shall cause the complaint to be transmitted to the Office within 3 business days after receipt."

(3) Subsection (b) is amended by striking the phrase "to the Police Chief for further processing by the MPD or the District of Columbia Housing Authority Police Department ("DCHAPD"), as appropriate" and inserting the phrase "to the designated agency principal" in its place.

(4) Subsection (b-1) is amended by striking the phrase "the MPD or the HAPD a citizen complaint received" and inserting the phrase "the MPD, DCHAPD, or OIG, a complaint received" in its place.

(5) Subsection (d) is amended by striking the phrase "within 90 days" and inserting the phrase "within 120 days" in its place.

(6) Subsection (e) is amended to read as follows:

"(e) Each complaint shall be submitted to the Office in a format that the Office determines will provide it with sufficient information to begin an investigation and may be:

"(1) Signed by the complainant; or

"(2) Submitted anonymously."

(7) Subsection (g) is amended as follow:

(A) The lead-in language is amended by striking the phrase "the complainant. Within" and inserting the phrase "the complainant, if known. Within" in its place.

(B) The paragraph (6) is amended by striking the phrase "the MPD or the HAPD" and inserting the phrase "the MPD, DCHAPD, or OIG" in its place.

(8) A new subsection (g-1) is added to read as follows:

"(g-1)(1) If the Executive Director discovers any evidence of abuse or misuse of police powers that was not alleged by the complainant in the complaint, the Executive Director may:

"(A) Initiate the Executive Director's own complaint against the subject police officer; and

"(B) Take any of the actions described in subsection (g)(2) through (6) of this section.



“(2) Evidence of abuse or misuse of police powers includes circumstances in which the subject police officer failed to:

“(A) Intervene in or subsequently report any use of force incident in which the subject police officer observed another law enforcement officer utilizing excessive force or engaging in any type of misconduct, pursuant to MPD General Order 901.07, its successor directive, or a similar local or federal directive; or

“(B) Immediately report to their supervisor any violations of the rules and regulations of MPD committed by any other MPD officer, and each instance of their use of force or a use of force committed by another MPD officer, pursuant to MPD General Order 201.26, or any successor directive.”.

(9) Subsection (h) is amended to read as follows:

“(h)(1) The Executive Director shall notify in writing the complainant, if known, and the subject police officer or officers of the action taken under subsection (g) or (g-1) of this section.

“(2) If the complaint is dismissed, the notice shall be accompanied by a brief statement of the reasons for the dismissal, and the Executive Director shall notify the complainant, if known, that the complaint may be brought to the attention of the designated agency principal, who may direct that the complaint be investigated and that appropriate action be taken.”.

(10) Subsection (h-1) is amended by striking the phrase “The MPD and the HAPD shall” and inserting the phrase “The MPD, DCHAPD, and OIG shall” in its place.

(11) Subsection (h-2) is amended as follows:

(A) Paragraph (1) is amended to read as follows:

“(1) The Office shall have the authority to audit complaints referred to the MPD, DCHAPD, or OIG for further action.”.

(B) Paragraph (2) is amended by striking the phrase “have timely and complete access to information” and inserting the phrase “have unfettered access to all information” in its place.

(12) Subsection (i) is repealed.

(13) Subsection (j) is amended to read as follows:

“(j) This act shall also apply to the DCHAPD, OIG, and to any federal law enforcement agency that, pursuant to the Federal Law Enforcement Officer Cooperation Act of 1999, effective May 9, 2000 (D.C. Law 13-100; D.C. Official Code § 5-301 *et seq.*), has a cooperative agreement with MPD that requires coverage by the Office; provided, that the Chief of the respective law enforcement department or agency or the designated agency principal, where applicable, shall perform the duties of the MPD Chief of Police for the members of their respective departments or agencies.”.

(g) Section 9 (D.C. Official Code § 5-1108) is amended to read follows:

“Sec. 9. Dismissal of complaint.

“(a) A complaint may be dismissed if:

“(1) The complaint is deemed to lack merit;

“(2) The complainant, if known, refuses to cooperate with the investigation; or

“(3) If, after the Executive Director refers a complaint for mediation, the complainant, willfully fails to participate in good faith in the mediation process.

“(b) A complainant shall not be deemed to have refused to cooperate with the investigation solely because the complainant submitted a complaint anonymously as described in section 8(e)(2).”.

(h) Section 10(b) (D.C. Official Code § 5-1109(b)) is amended to read as follows:

“(b) The Executive Director shall give written notification of such referral to the:

“(1) Designated agency principal;

“(2) Complainant, if known; and

“(3) Subject officer or officers.”.

(i) Section 11 (D.C. Official Code § 5-1110) is amended as follows:

(1) Subsection (f) is amended by striking the phrase “the MPD as” and inserting the phrase “the MPD, DCHAPD, or OIG as” in its place.

(2) Subsection (g) is amended by striking the phrase “Police Chief” both times it appears and inserting the phrase “designated agency principal” in its place.

(3) Subsection (k) is amended by striking the phrase “Police Chief” both times it appears and inserting the phrase “designated agency principal” in its place.

(j) Section 12 (D.C. Official Code § 5-1111) is amended as follows:

(1) Subsection (c) is amended to read as follows:

“(c)(1)(A) The Executive Director is authorized to cause the issuance of subpoenas under the seal of the Superior Court of the District of Columbia compelling the complainant, the subject officer or officers, witnesses, and other persons to respond to written or oral questions or to produce relevant documents or other evidence as may be necessary for the proper investigation and determination of a complaint.

“(B) Notwithstanding subparagraph (A) of this paragraph, the Executive Director shall not seek subpoenas against a complainant who submitted an application anonymously, as described in section 8(e)(2).

“(2)(A) The service of any such subpoena on a subject police officer or any other employee of the MPD, DCHAPD, or OIG may be effected by service on the designated agency principal or their designee, who shall deliver the subpoena to the subject police officer or employee.

“(B) The designated agency principal or their designee shall transmit the return of service to the Office.

“(3) Statements made pursuant to a subpoena shall be given under oath or affirmation.”.

(2) Subsection (d) is amended to read as follows:

“(d)(1)(A) Employees of the MPD, DCHAPD, and OIG shall cooperate fully with the Office in the investigation and adjudication of a complaint.

“(B) Upon notification by the Executive Director that an MPD, DCHAPD, or OIG employee has not cooperated as requested, the designated agency principal shall cause

appropriate disciplinary action to be instituted against the employee, and shall notify the Executive Director of the outcome of such action.

“(2)(A) An employee of the MPD, DCHAPD, or OIG shall not retaliate, directly or indirectly, against a person who files a complaint under this act.

“(B) If a complaint of retaliation is sustained under this act, the subject police officer or employee shall be subject to appropriate discipline, including dismissal; provided, that such disciplinary action shall not be taken with respect to an employee’s invocation of the Fifth Amendment privilege against self-incrimination.”.

(3) Subsection (h) is amended to read as follows:

“(h)(1) Upon review of the investigative file and the evidence adduced at any evidentiary hearing, and in the absence of the resolution of the complaint by conciliation or mediation, the complaint examiner shall make written findings of fact regarding all material issues of fact and determine whether the facts found sustain or do not sustain each allegation of misconduct.

“(2) In making that determination, the complaint examiner may consider any MPD, DCHAPD, or OIG regulation, policy, or order that prescribes standards of conduct for law enforcement officers.

“(3) For the purposes of this act, these written findings of fact and determinations by the complaint examiner (collectively, “merits determination”) may not be rejected unless they clearly misapprehend the record before the complaint examiner and are not supported by substantial, reliable, and probative evidence in that record.”.

(4) Subsection (i) is amended to read as follows:

“(i)(1)(A) If the complaint examiner determines that one or more allegations in the complaint is sustained, the Executive Director shall transmit the entire complaint file, including the merits determination of the complaint examiner and the Executive Director’s recommendation for the discipline to be imposed on the subject police officer, to the designated agency principal for appropriate action.

“(B) To assist the Executive Director in making an informed recommendation of the discipline to be imposed on a subject police officer, the Executive Director shall have access to:

“(i) The most current Table of Offenses and Penalties Guide in General Order 120.21 (Disciplinary Procedures and Processes), or any successor document; and

“(ii) The subject police officer’s complete personnel file, including any record of prior misconduct and adverse or corrective action.

“(2) If the complaint examiner determines that no allegation in the complaint is sustained, the Executive Director shall dismiss the complaint and notify the parties and the designated agency principal in writing of such dismissal with a copy of the merits determination.”.

(k) Section 13 (D.C. Official Code § 5-1112) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “the Police Chief shall” and inserting the phrase “the designated agency principal shall” in its place.

(2) Subsection (b) is amended to read as follows:



“(b)(1) The review of the complaint file shall include a review of the personnel file of the subject officer or officers, including any record of prior misconduct by the subject police officer or officers and the Executive Director’s recommendation for the discipline to be imposed on the subject police officer as described in section 12(i)(1)(A).

“(2)(A) Within 15 business days after receiving the complaint file from the designated agency principal, the reviewing officers shall make a written recommendation, with supporting reasons, to the designated agency principal regarding an appropriate penalty from the Table of Offenses and Penalties Guide in General Order 120.21 (Disciplinary Procedures and Processes), or any successor document.

“(B) This recommendation may include a proposal for additional action by the designated agency principal not inconsistent with the intent and purpose of the complaint review process.”.

(3) Subsection (c) is amended by striking the phrase “the Police Chief” and inserting the phrase “the designated agency principal” in its place.

(4) Subsections (d) and (e) are amended to read as follows:

“(d)(1) Within 5 business days after receiving the staff recommendation, the designated agency principal shall notify the complainant, if known, and the subject police officer or officers in writing of the staff recommendation and the Executive Director’s recommendation, and shall afford the complainant and the subject police officer or officers reasonable time to file with the designated agency principal a written response to the staff recommendation.

“(2) The designated agency principal shall consider the written responses received from the complainant and the subject police officer or officers and the Executive Director’s recommendation before taking final action with regard to the complaint.

“(e)(1) Within 15 business days after receiving the written responses of the complainant and the subject officer or officers, or within 15 business days of the deadline set for receipt of the responses, whichever is earlier, the designated agency principal shall issue a decision as to the imposition of discipline upon the subject police officer or officers.

“(2) The designated agency principal’s decision for the discipline shall be in writing and shall set forth a concise statement of the reasons therefor, including the rationale for imposing or not imposing the discipline recommended by the Executive Director.

“(3) The designated agency principal may not reject the merits determination, in whole or in part.

“(4) The designated agency principal may not supplement the evidentiary record.”.

(5) Subsection (f) is amended by striking the phrase “Police Chief” both times it appears and inserting the phrase “designated agency principal” in its place.

(6) Subsection (g) is amended as follows:

(A) The lead-in language is amended by striking the phrase “Police Chief” and inserting the phrase “designated agency principal” in its place.

(B) Paragraph (1) is amended by striking the phrase “Police Chief” and inserting the phrase “designated agency principal” in its place.

(C) Paragraph (2) is amended by striking the phrase "Police Chief" wherever it appears and inserting the phrase "designated agency principal" in its place.

(7) Subsection (h) is amended by striking the phrase "Police Chief" wherever it appears and inserting the phrase "designated agency principal" in its place.

SUBTITLE D. USE OF FORCE REVIEW BOARD MEMBERSHIP EXPANSION

Sec. 106. Use of Force Review Board; membership.

(a) There is established a Use of Force Review Board ("Board"), which shall review uses of force as set forth by the Metropolitan Police Department in its written directives.

(b) The Board shall consist of the following 13 voting members, and may include non-voting members at the Mayor's discretion:

(1) Seven MPD members appointed by the Chief of Police who hold the rank of Inspector or above, or the civilian equivalent;

(2) Three civilian members appointed by the Mayor, pursuant to section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)), with the following qualifications and no current or prior affiliation with law enforcement, including being employed by a law enforcement agency or law enforcement union:

(A) One member who has personally experienced the use of force by a law enforcement officer;

(B) One member of the District of Columbia Bar in good standing; and

(C) One District resident community member;

(3) Two civilian members appointed by the Council with the following qualifications and no current or prior affiliation with law enforcement, including being employed by a law enforcement agency or law enforcement union:

(A) One member with subject matter expertise in criminal justice policy; and

(B) One member with subject matter expertise in law enforcement oversight and the use of force; and

(4) The Executive Director of the Office of Police Complaints, or their designee.

Sec. 107. Section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)), is amended as follows:

(a) Paragraph (38) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(b) Paragraph (39) is amended by striking the period and inserting the phrase "; and" in its place.

(c) A new paragraph (40) is added to read as follows:

"(40) Use of Force Review Board, established by section 106 of the Comprehensive Policing and Justice Reform Amendment Act of 2022, passed on 2nd reading on December 20, 2022 (Enrolled version of Bill 24-320)."

SUBTITLE E. ANTI-MASK LAW REPEAL

Sec. 108. The Anti-Intimidation and Defacing of Public or Private Property Criminal Penalty Act of 1982, effective March 10, 1983 (D.C. Law 4-203; D.C. Official Code § 22-3312 *et seq.*), is amended as follows:

(a) Section 4 (D.C. Official Code § 22-3312.03) is repealed.

(b) Section 5(b) (D.C. Official Code § 22-3312.04(b)) is amended by striking the phrase "or section 4 shall be" and inserting the phrase "shall be" in its place.

Sec. 109. Section 23-581(a-3) of the District of Columbia Official Code is amended by striking the phrase "sections 22-3112.1, 22-3112.2, and 22-3112.3" and inserting the phrase "§§ 22-3312.01 and 22-3312.02" in its place.

SUBTITLE F. LIMITATIONS ON CONSENT SEARCHES

Sec. 110. Subchapter II of Chapter 5 of Title 23 of the District of Columbia Official Code is amended by adding a new section 23-526 to read as follows:

"§ 23-526. Limitations on consent searches.

"(a) For the purposes of this section, the term "consent search" means a search of a person, vehicle, home, or property:

"(1) Based solely on the subject's consent to that search;

"(2) Not executed pursuant to a warrant; and

"(3) Not conducted pursuant to an applicable exception to the warrant requirement as described in United States or District of Columbia case law, excluding the exception for consent searches.

"(b) When seeking to perform a consent search, sworn members of District Government law enforcement agencies shall:

"(1) Prior to the search of a person, vehicle, home, or property:

"(A) Explain, using plain and simple language delivered in a calm demeanor, that the subject of the search is being asked to voluntarily, knowingly, and intelligently consent to a search;

"(B) Advise the subject that:

"(i) A search will not be conducted if the subject refuses to provide consent to the search; and

"(ii) The subject has a legal right to decline to consent to the search;

"(C) Obtain consent to search without threats or promises of any kind being made to the subject;

"(D) Confirm that the subject understands the information communicated by the officer; and

"(E) Use interpretation services when seeking consent to conduct a search of a person who:



“(i) Cannot adequately understand or express themselves in spoken or written English; or

“(ii) Is deaf or hard of hearing; and

“(2) If the sworn member is unable to obtain consent from the subject, refrain from conducting the search.

“(c) The requirements of subsection (b) of this section shall not apply to searches executed pursuant to a warrant or conducted pursuant to an applicable exception to the warrant requirement.

“(d)(1) If a defendant or juvenile respondent moves to suppress any evidence obtained in the course of the search for an offense prosecuted in the Superior Court of the District of Columbia, the court shall consider an officer’s failure to comply with the requirements of this section as a factor in determining the voluntariness of the consent.

“(2) There shall be a presumption that a search was nonconsensual if the evidence of consent, including the warnings required in subsection (b) of this section, is not captured on a body-worn camera or provided in writing.

“(e) Nothing in this section shall be construed to create a private right of action.”.

SUBTITLE G. MANDATORY CONTINUING EDUCATION EXPANSION;  
RECONSTITUTING THE POLICE OFFICERS STANDARDS AND TRAINING BOARD

Sec. 111. Title II of the Metropolitan Police Department Application, Appointment, and Training Requirements of 2000, effective October 4, 2000 (D.C. Law 13-160; D.C. Official Code § 5-107.01 *et seq.*), is amended as follows:

(a) Section 203(b) (D.C. Official Code § 5-107.02(b)) is amended as follows:

(1) Paragraph (2) is amended by striking the phrase “biased-based policing” and inserting the phrase “biased-based policing, racism, and white supremacy” in its place.

(2) Paragraph (3) is amended to read as follows:

“(3) Limiting the use of force and employing de-escalation tactics;”.

(3) Paragraph (4) is amended to read as follows:

“(4) Prohibited techniques, as that term is defined in section 3(6) of the Limitation on the Use of the Chokehold Act of 1985, effective January 25, 1986 (D.C. Law 6-77; D.C. Official Code § 5-125.02(6));”.

(4) Paragraph (5) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(5) Paragraph (6) is amended by striking the period and inserting a semicolon in its place.

(6) New paragraphs (7) and (8) are added to read as follows:

“(7) The constitutional requirements for conducting searches and seizures, including the use of protective pat-downs, and the limitations on the use of consent searches, as described in D.C. Official Code § 23-526; and

“(8) The duty of a sworn officer to report, and the method for reporting, suspected misconduct or excessive use of force by a law enforcement officer that a sworn member observes

or that comes to the sworn member's attention, as well as any governing District laws and regulations and Department written directives.”.

(b) Section 204 (D.C. Official Code § 5-107.03) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “the District of Columbia Police” and inserting the phrase “the Police” in its place.

(2) Subsection (b) is amended as follows:

(A) The lead-in language is amended by striking the phrase “11 persons” and inserting the phrase “15 persons” in its place.

(B) A new paragraph (2A) is added to read as follows:

“(2A) Executive Director of the Office of Police Complaints or the Executive Director’s designee;”.

(C) Paragraph (3) is amended to read as follows:

“(3) The Attorney General for the District of Columbia or the Attorney General’s designee;”.

(D) Paragraph (8) is amended by striking the period and inserting the phrase “; and” in its place.

(E) Paragraph (9) is amended to read as follows:

“(9) Five community representatives appointed by the Mayor, each with expertise in one of the following areas:

“(A) Oversight of law enforcement;

“(B) Juvenile justice reform;

“(C) Criminal defense;

“(D) Gender-based violence or LGBTQ social services, policy, or advocacy; and

“(E) Violence prevention or intervention.”.

(3) Subsection (i) is amended by striking the phrase “promptly after the appointment and qualification of its members” and inserting the phrase “by September 1, 2020” in its place.

(c) Section 205(a) (D.C. Official Code § 5-107.04(a)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “a citizen of the United States” and inserting the phrase “a citizen or national of, or person lawfully admitted for permanent residence in, the United States” in its place.

(2) Paragraph (10) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(3) Paragraph (11) is amended by striking the period and inserting the phrase “; and” in its place.

(4) A new paragraph (12) is added to read as follows:

“(12) If the applicant has prior service with another law enforcement or public safety agency in the District or another jurisdiction, information on any alleged or sustained misconduct or discipline imposed by that law enforcement or public safety agency.”.

SUBTITLE H. IDENTIFICATION OF MPD OFFICERS DURING FIRST  
AMENDMENT ASSEMBLIES AS LOCAL LAW ENFORCEMENT

Sec. 112. Section 109 of the First Amendment Assemblies Act of 2004, effective April 13, 2005 (D.C. Law 15-352; D.C. Official Code § 5-331.09), is amended to read as follows:

“(a) MPD shall:

“(1) Implement a method for enhancing the visibility to the public of the name and badge number of District law enforcement officers policing a First Amendment assembly by modifying the manner in which those officers’ names and badge numbers are affixed to the officers’ uniforms or helmets; and

“(2) Ensure that all uniformed District law enforcement officers assigned to police First Amendment assemblies are equipped with the enhanced identification and may be identified even if wearing riot gear.

“(b) During a First Amendment assembly, the uniforms and helmets of District law enforcement officers policing the assembly shall prominently identify the officers’ affiliation with a District law enforcement agency.”.

SUBTITLE I. PRESERVING THE RIGHT TO JURY TRIAL

Sec. 113. Section 16-705(b)(1) of the District of Columbia Official Code is amended as follows:

(a) Subparagraph (A) is amended by striking the phrase “; or” and inserting a semicolon in its place.

(b) Subparagraph (B) is amended by striking the phrase “; and” and inserting the phrase “; or” in its place.

(c) A new subparagraph (C) is added to read as follows:

“(C)(i) The defendant is charged with an offense under:

“(I) Section 806(a)(1) of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-404(a)(1));

“(II) Section 432a of the Revised Statutes of the District of Columbia (D.C. Official Code § 22-405.01); or

“(III) Section 2 of An Act To confer concurrent jurisdiction on the police court of the District of Columbia in certain cases, approved July 16, 1912 (37 Stat. 193; D.C. Official Code § 22-407); and

“(ii) The person who is alleged to have been the victim of the offense is a law enforcement officer, as that term is defined in section 432(a) of the Revised Statutes of the District of Columbia (D.C. Official Code § 22-405(a)); and”.

SUBTITLE J. REPEAL OF FAILURE TO ARREST CRIME

Sec. 114. Section 400 of the Revised Statutes of the District of Columbia (D.C. Official Code § 5-115.03), is repealed.



SUBTITLE K. AMENDING MINIMUM STANDARDS FOR POLICE OFFICERS

Sec. 115. Section 202 of the Omnibus Police Reform Amendment Act of 2000, effective October 4, 2000 (D.C. Law 13-160; D.C. Official Code § 5-107.01), is amended by adding a new subsection (f) to read as follows:

“(f) An applicant shall be ineligible for appointment as a sworn member of the Metropolitan Police Department if the applicant:

“(1) Was previously determined by a law enforcement agency to have committed serious misconduct, as determined by the Chief by General Order;

“(2) Was previously terminated or forced to resign for disciplinary reasons from any commissioned, recruit, or probationary position with a law enforcement agency; or

“(3) Previously resigned from a law enforcement agency to avoid potential, proposed, or pending adverse disciplinary action or termination.”.

SUBTITLE L. POLICE ACCOUNTABILITY AND COLLECTIVE BARGAINING AGREEMENTS

Sec. 116. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

(a) Section 801(d) (D.C. Official Code 1-608.01(d)) is amended to read as follows:

“(d) The Mayor may issue separate rules and regulations concerning the personnel system affecting members of the uniform services of the Fire and Emergency Medical Services Department (“FEMS”) which may provide for a probationary period of at least one year. Other such separate rules and regulations may only be issued to carry out provisions of this act that accord such member of the uniform services of FEMS separate treatment under this act. The separate rules and regulations are not a bar to collective bargaining during the negotiation process between the Mayor and the recognized labor organizations for FEMS, but shall be within the parameters of section 708.”.

(b) Section 1708 (D.C. Official Code § 1-617.08) is amended by adding a new subsection (c) to read as follows:

“(c)(1) All matters pertaining to the discipline of sworn law enforcement personnel shall be retained by management and not be negotiable through bargaining, including substantive or impacts-and-effects bargaining.

“(2) This subsection shall apply to any collective bargaining agreements entered into with the Fraternal Order of Police/Metropolitan Police Department Labor Committee after September 30, 2020, and to any collective bargaining agreements automatically renewed on or after September 30, 2020.”.

SUBTITLE M. OFFICER DISCIPLINE REFORMS

Sec. 117. Section 502 of the Omnibus Public Safety Agency Reform Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-194; D.C. Official Code § 5-1031), is amended as follows:

(a) Subsection (a-1) is repealed.

(b) Subsection (b) is amended to read as follows:

“(b) If the act or occurrence allegedly constituting cause is the subject of a criminal investigation by the Metropolitan Police Department or any law enforcement or prosecuting agency with jurisdiction within the United States, the Office of the United States Attorney for the District of Columbia, or the Office of the Attorney General, or is the subject of an investigation by the Office of the Inspector General or the Office of the District of Columbia Auditor, the 90-day period for commencing a corrective or adverse action under subsection (a) of this section shall be tolled until the conclusion of the investigation.”.

(c) A new subsection (c) is added to read as follows:

“(c)(1) MPD shall publish, on a publicly accessible website, a schedule of adverse action hearings for cases in which the proposed discipline is termination.

“(2) The schedule shall include:

“(A) The date, time, and location of the hearing;

“(B) The name and badge number of the subject officer; and

“(C) A summary of the alleged misconduct or charges against the subject officer.”.

Sec. 118. Section 6-A1001.5 of Chapter 10 of Title 6 of the District of Columbia Municipal Regulations is amended by striking the phrase “reduce the penalty” and inserting the phrase “reduce or increase the penalty” in its place.

#### SUBTITLE N. USE OF FORCE REFORMS

Sec. 119. Use of deadly force.

(a) For the purposes of this section, the term:

(1) “Deadly force” means any force that is likely or intended to cause serious bodily injury or death.

(2) “Deadly weapon” means any object, other than a body part or stationary object, that in the manner of its actual, attempted, or threatened use, is likely to cause serious bodily injury or death.

(3) “Serious bodily injury” means extreme physical pain, illness, or impairment of physical condition, including physical injury, that involves:

(A) A substantial risk of death;

(B) Protracted and obvious disfigurement;

(C) Protracted loss or impairment of the function of a bodily member or organ; or

(D) Protracted loss of consciousness.

(b) A law enforcement officer shall not use deadly force against a person unless:

(1) The law enforcement officer actually and reasonably believes that deadly force is immediately necessary to protect the law enforcement officer or another person, other than the subject of the use of deadly force, from the threat of serious bodily injury or death;

(2) The law enforcement officer's actions are reasonable, given the totality of the circumstances; and

(3) All other options have been exhausted or do not reasonably lend themselves to the circumstances.

(c) In any grand jury, criminal, delinquency, or civil proceeding where an officer's use of deadly force is a material issue, the trier of fact shall consider:

(1) The reasonableness of the law enforcement officer's belief and actions from the perspective of a reasonable law enforcement officer; and

(2) The totality of the circumstances, which shall include:

(A) Whether the subject of the use of deadly force:

(i) Possessed or appeared to possess a deadly weapon; and

(ii) Refused to comply with the law enforcement officer's lawful

order to surrender an object believed to be a deadly weapon prior to the law enforcement officer using deadly force;

(B) Whether the law enforcement officer, or another law enforcement officer in close proximity, engaged in reasonable de-escalation measures prior to the use of deadly force, including taking cover, requesting support from available mental health, behavioral health, or social workers, waiting for back-up, trying to calm the subject of the use of force, or, if feasible, using non-deadly force prior to the use of deadly force; and

(C) Whether any conduct by the law enforcement officer prior to the use of deadly force unreasonably increased the risk of a confrontation resulting in deadly force being used.

#### SUBTITLE O. RESTRICTIONS ON THE PURCHASE AND USE OF MILITARY WEAPONRY

Sec. 120. Limitations on military weaponry acquired by District law enforcement agencies.

(a) Beginning in Fiscal Year 2021, District law enforcement agencies shall not acquire the following property through any program operated by the federal government:

(1) Ammunition of .50 caliber or higher;

(2) Armed or armored vehicles, including aircraft and watercraft;

(3) Bayonets;

(4) Explosives or pyrotechnics, including grenades;

(5) Firearm silencers;

(6) Firearms of .50 caliber or higher;

(7) Objects designed or capable of launching explosives or pyrotechnics, including grenade launchers, firearms, and firearms accessories; and

(8) Remotely piloted, powered aircraft without a crew aboard, including drones.

(b) If a District law enforcement agency:



(1) Requests property through a program operated by the federal government, the District law enforcement agency shall publish notice of the request on a publicly accessible website within 14 days after the date of the request; or

(2) Acquires property through a program operated by the federal government, the District law enforcement agency shall publish notice of the acquisition on a publicly accessible website within 14 days after the date of the acquisition.

(c) Within 180 days after the effective date of the Comprehensive Policing and Justice Reform Second Emergency Amendment Act of 2020, effective July 22, 2020 (D.C. Act 23-336; 67 DCR 9148), District law enforcement agencies shall:

(1) Return or dispose of any property described in subsection (a) of this section that the agencies currently possess; and

(2) Publish an inventory of the property returned or disposed of as described in paragraph (1) of this subsection on a publicly accessible website.

#### SUBTITLE P. LIMITATIONS ON THE USE OF INTERNATIONALLY BANNED CHEMICAL WEAPONS, RIOT GEAR, AND LESS-LETHAL PROJECTILES

Sec. 121. The First Amendment Assemblies Act of 2004, effective April 13, 2005 (D.C. Law 15-352; D.C. Official Code § 5-331.01 *et seq.*), is amended as follows:

(a) Section 102 (D.C. Official Code § 5-331.02) is amended as follows:

(1) Paragraphs (1) and (2) are redesignated as paragraphs (2) and (5), respectively.

(2) A new paragraph (1) is added to read as follows:

“(1) “Chemical irritant” means any:

“(A) Chemical that can rapidly produce sensory irritation or disabling physical effects in humans, which are meant to disappear within a short time following termination of exposure, including tear gas; or

“(B) Substance prohibited by the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, effective April 29, 1997, for law enforcement purposes or as a method of warfare.”.

(3) New paragraphs (3) and (4) are added to read as follows:

“(3) “Less-lethal projectile” means any munition that can cause bodily injury or death through the transfer of kinetic energy and blunt force trauma, including rubber or foam-covered bullets and stun grenades.

“(4) “Less-lethal weapons” means:

“(A) Chemical irritants; and

“(B) Less-lethal projectiles.”.

(b) Section 103 (D.C. Official Code § 5-331.03) is amended to read as follows:

“Sec. 103. Policy on First Amendment assemblies.

“It is the declared public policy of the District of Columbia that:

“(1) Persons and groups have a right to organize and participate in peaceful First Amendment assemblies on the streets, sidewalks, and other public ways, and in the parks of the District of Columbia, and to engage in First Amendment assembly near the object of their protest

so they may be seen and heard, subject to reasonable restrictions designed to protect public safety, persons, and property, and to accommodate the interest of persons not participating in the assemblies to use the streets, sidewalks, and other public ways to travel to their intended destinations, and use the parks for recreational purposes; and

“(2) MPD shall not engage in mass arrests of groups that include First Amendment assemblies or that began as a First Amendment assembly unless MPD:

“(A) Determines that the assembly has transformed, in substantial part or in whole, into an activity subject to dispersal or arrest; and

“(B) Has issued an order to disperse as described in section 107(e) and (e-1).”.

(c) Section 107 (D.C. Official Code § 5-331.07) is amended as follows:

(1) Subsection (b)(2) is amended by striking the phrase “or property.” and inserting the phrase “or property; provided, that there is individualized probable cause for arrest.” in its place.

(2) Subsection (c) is amended by striking the phrase “by dispersing, controlling, or arresting the persons engaging in such conduct” and inserting the phrase “by identifying and dispersing, controlling, or arresting the particular persons engaging in such conduct” in its place.

(3) Subsection (e) is amended to read as follows:

“(e) If the MPD determines that a lawful First Amendment assembly, any other public assembly, riot, or part thereof, should be dispersed, the MPD shall:

“(1) Where there:

“(A) Is not an imminent danger of bodily injury or significant damage to property, issue at least 3 clearly audible and understandable orders to disperse using an amplification system or device, waiting at least 2 minutes between the issuance of each warning; or

“(B) Is imminent danger of bodily injury or significant damage to property, issue at least one clearly audible and understandable order to disperse using an amplification system or device;

“(2) Provide the participants a reasonable and adequate time to disperse and a clear and safe route for dispersal; and

“(3) Capture on body-worn camera each component of the order to disperse described in subsection (e-1) of this section.”.

(4) New subsections (e-1) and (e-2) are added to read as follows:

“(e-1) An order to disperse shall:

“(1) Be authorized by an official at the rank of Lieutenant or above;

“(2) Inform the persons to be dispersed of the law, regulation, or policy that they have violated that serves as the basis for the order to disperse:

“(3) Warn the persons to be dispersed that they may be arrested if they do not obey the dispersal order or abandon their illegal activity; and

“(4) Identify reasonable exit paths for participants to use to leave the area that will be dispersed.

“(e-2) When dispersing a First Amendment assembly, any other public assembly, riot, or part thereof, MPD shall, to the extent possible:

“(1) Position all arresting officers at the rear of the crowd so they can hear the order to disperse; and

“(2) Have the arresting officers positioned at the rear of the crowd provide verbal confirmation or a physical indication that the warnings were audible.”.

(c) Section 116 (D.C. Official Code § 5-331.16) is amended to read as follows:

“Sec. 116. Use of riot gear, chemical irritants, or less-lethal projectiles; reporting requirements.

“(a) For the purposes of this section:

“(1) “Bodily injury” means physical pain, physical injury, illness, or impairment of physical condition.

“(2) “Significant bodily injury” means a bodily injury that to prevent long-term physical damage or to abate severe pain requires hospitalization or immediate medical treatment beyond what a layperson can personally administer. The term “significant bodily injury” includes a:

“(A) Fracture of a bone;

“(B) Laceration that is at least one inch in length and at least one quarter of an inch in depth;

“(C) Burn of at least second degree severity;

“(D) Brief loss of consciousness;

“(E) Traumatic brain injury; and

“(F) Contusion, petechia, or other bodily injury to the neck or head sustained during strangulation or suffocation.

“(b) Law enforcement officers shall not be deployed in riot gear unless:

“(1) The on-scene Incident Commander believes there is an impending risk to law enforcement officers of significant bodily injury;

“(2) The deployment is not being used to disperse a First Amendment assembly and is consistent with the District’s policy on First Amendment assemblies;

“(3) The deployment of officers in riot gear is reasonable, given the totality of the circumstances; and

“(4) All other options have been exhausted or do not reasonably lend themselves to the circumstances.

“(c) Law enforcement officers shall not deploy less-lethal weapons at a First Amendment Assembly, any other public assembly, or riot unless:

“(1) The law enforcement officer actually and reasonably believes that the deployment of less-lethal weapons is immediately necessary to protect the law enforcement officer or another person from the threat of bodily injury or damage to property;

“(2) The deployment of less-lethal weapons is not being used to disperse a lawful First Amendment assembly and is consistent with the District’s policy on First Amendment assemblies;



“(3) The law enforcement officer has received training on the proper use, in the context of crowds, of the specific type of less-lethal weapons deployed;

“(4) The law enforcement officer’s actions are reasonable, given the totality of the circumstances; and

“(5) All other options have been exhausted or do not reasonably lend themselves to the circumstances.

“(d) In any grand jury, criminal, delinquency, or civil proceeding where an officer’s use of riot gear or less-lethal weapons is a material issue, the trier of fact shall consider:

“(1) The reasonableness of the law enforcement officer’s belief and actions from the perspective of a reasonable law enforcement officer; and

“(2) The totality of circumstances, which shall include whether:

“(A) The law enforcement officer, or another law enforcement officer in close proximity, engaged in reasonable de-escalation measures prior to the deployment of less-lethal weapons or riot gear, including issuing an order to disperse and providing individuals a reasonable opportunity to disperse, as described in section 107(e) and (e-1);

“(B) Any conduct by the law enforcement officer prior to the deployment of less-lethal weapons or riot gear unreasonably increased the risk of a confrontation resulting in less-lethal weapons being deployed;

“(C) The use of less-lethal weapons was limited to the people for whom MPD had individualized probable cause for arrest; and

“(D) The less-lethal weapon was deployed in a frequency, manner, and intensity that is objectively reasonable.

“(e)(1) Following any deployment of officers in riot gear as described in subsection (b) of this section, the deployment of less-lethal weapons as described in subsection (c) of this section, or upon request by the Chairperson of the Council Committee with jurisdiction over the Metropolitan Police Department, the highest ranking official at the scene of the deployment shall make a written report to the Chief of Police, within 5 business days after the deployment, that describes the deployment of riot gear or less-lethal weapons, including, where applicable and if known:

“(A) The number of officers deployed in riot gear;

“(B) The number of officers who deployed less-lethal weapons;

“(C) The type, quantity, and amount of less-lethal weapons deployed;

“(D) The number of people against whom any use of force was deployed;

“(E) The justification for the deployment of officers in riot gear, the deployment of less-lethal weapons, or any other uses of force; and

“(F) Whether the deployment of officers in riot gear, or the deployment of less-lethal weapons or any other uses of force, met the requirements of this act.

“(2) MPD shall publish the report on a publicly accessible website within 10 business days after the deployment.

“(3) If MPD cannot post a report in compliance with section 116(e)(2), MPD shall post an explanation of the delay within 10 business days.

“(f) The Mayor shall request that any federal law enforcement agency operating in the District follow the requirements of this section.”.

Sec. 122. Section 901 of An Act relating to crime and criminal procedure in the District of Columbia, effective December 27, 1967 (81 Stat. 742; D.C. Official Code § 22-1322), is amended by adding a new section (e) to read as follows:

“(e) A law enforcement officer’s failure to comply with the requirements of section 107 of the First Amendment Assemblies Act of 2004, effective April 13, 2005 (D.C. Law 15-352; D.C. Official Code § 5-331.07), shall be a defense in prosecutions for violations of subsection (b) or (c) of this section.”.

Sec. 123. Limitations on less-lethal weapons acquired by District law enforcement agencies; reporting requirements.

(a) District law enforcement agencies shall maintain the following information regarding any less-lethal weapon in their inventory on a publicly accessible website:

(1) A description of the less-lethal weapon, including:

(A) How the less-lethal weapon is used or deployed;

(B) The physiological and psychological effect that the less-lethal weapon has on people; and

(C) Whether the less-lethal weapon is indiscriminate in nature or if it can be targeted at specific individuals in a crowd;

(2) Any technical documentation issued or published by the manufacturer or distributor of the less-lethal weapon;

(3) An explanation for the law enforcement agency’s need for the less-lethal weapon;

(4) A description of the personnel who will use, be equipped with, or have access to the less-lethal weapon;

(5) A description of the training those personnel have or will receive on how to use or deploy the less-lethal weapon, including how the training addresses the requirements of the First Amendment Assemblies Act of 2004, effective April 13, 2005 (D.C. Law 15-352; D.C. Official Code § 5-331.01 *et seq.*); and

(6) The total price of the less-lethal weapons sought.

(b) Before acquiring a new type of less-lethal weapon, MPD shall publish on a publicly accessible website the information described in subsection (a)(1) of this section at least 28 days prior to acquiring or purchasing the new type of less-lethal weapon.

#### SUBTITLE Q. EVALUATING BIAS IN THREAT ASSESSMENTS.

Sec. 124. Section 5 of the Office of Citizen Complaint Review Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-208; D.C. Official Code § 5-1104), is amended by adding a new subsection (d-5) to read as follows:

“(d-5)(1) The Executive Director, or an entity selected by the Executive Director, shall conduct a study to determine whether the Metropolitan Police Department (“MPD”) engaged in biased policing when it conducted threat assessments before or during assemblies within the District.

“(2) At a minimum, the study shall:

“(A) Examine MPD’s use of threat assessments before or during assemblies in the District from January 2017 through January 2021;

“(B) Determine whether MPD engaged in biased policing when it conducted threat assessments before or during assemblies in the District from January 2017 through January 2021;

“(C) Provide a detailed analysis of MPD’s response to each assembly in the District between January 2017 through January 2021, including:

“(i) Number of arrests made;

“(ii) Number of civilian and officer injuries;

“(iii) Type of injuries;

“(iv) Number of fatalities;

“(v) Number of officers deployed;

“(vi) What type of weaponry and crowd control tactics were used;

“(vii) Whether riot gear was used; and

“(viii) Whether any of the individuals involved in the assembly were on the Federal Bureau of Investigation’s terrorist watchlist;

“(D) If there is a finding that biased policing has occurred, determine whether MPD’s response to those engaged in the assembly varied based on the race, color, religion, sex, national origin, or gender; and

“(E) Provide recommendations based on the findings in the study, including:

“(i) If biased policing occurred, how to prevent bias from impacting whether MPD conducts a threat assessment and how to ensure bias does not impact a threat assessment going forward;

“(ii) If biased policing has not been found to have occurred, how to ensure that there is not a disparity in MPD’s response to all assemblies across all groups, of proportionate size and characteristics, in the District in the future; or

“(iii) If the study is inconclusive on the occurrence of biased policing, what additional steps must be taken to reach a conclusion.

“(3) Any collaborating outside partners shall meet the following criteria:

“(A) Be nonpartisan;

“(B) Have expertise and knowledge of law enforcement practices in the District, bias in policing, homegrown domestic terrorism in the United States, and intelligence data sharing practices;

“(C) Have a history of conducting studies and evaluations of law enforcement procedures, regulations, and practices; and



“(D) Have experience developing solutions to policy or legal challenges.

“(4) The Executive Director shall submit a report on the study to the Council no later than 12 months after the effective date of the Comprehensive Policing and Justice Reform Amendment Act of 2022, passed on 2nd reading on December 20, 2022 (Enrolled version of Bill 24-320).”.

SUBTITLE R. PREVENTING WHITE SUPREMACY IN POLICING.

Sec. 125. Definitions.

For the purposes of this subtitle, the term:

(1) “Hate group” means an organization or group of individuals whose goals, activities, and advocacy are primarily or substantially based on a shared antipathy, hatred, hostility, or violence towards people of one or more different races, ethnicities, religions, nationalities, genders, or sexual or gender identities.

(2) “MPD” means the Metropolitan Police Department.

(3) “ODCA” means the Office of the District of Columbia Auditor.

(4) “White supremacy” means a hate group whose shared antipathy, hatred, hostility, or violence is based on the belief that white people are innately superior to other races.

Sec. 126. White supremacy in policing assessment and recommendations.

(a) ODCA and any entities selected by the District of Columbia Auditor (“D.C. Auditor”) shall cause to be conducted a comprehensive assessment of whether MPD officers have ties to white supremacist or other hate groups that may affect the officers’ ability to carry out their duties properly and fairly or may undermine public trust in MPD.

(b) In conducting the assessment, the ODCA or the entities selected by the D.C. Auditor shall:

(1) Investigate MPD officers’:

(A) Organizational affiliations and memberships;

(B) Social media engagement, including any published statements, photographs, or video footage; and

(C) Sustained allegations of misconduct against the officers, as determined by the Metropolitan Police Department or the Office of Police Complaints; and

(2) Conduct interviews with officers, witnesses, or other relevant stakeholders.

(c)(1) Any entity selected by the ODCA shall be nonpartisan and have expertise in:

(A) Civil rights and racial equity;

(B) The threat of white supremacist and other hate groups, movements, and organizing efforts; or

(C) Law enforcement and intelligence oversight and reform or in conducting investigations and evaluations of law enforcement procedures, policies, and practices.

(2) At least one entity shall have additional expertise in local, federal, and constitutional law, as it relates to freedoms of speech and association.

(d) If, during the course of the assessment, the ODCA determines that criminal activity or other wrongdoing has occurred or is occurring, they shall, as soon as practicable, report the facts that support its determination to the appropriate prosecuting authority and MPD.

(e)(1) ODCA shall submit a report describing the comprehensive assessment, relevant findings, and recommendations to the Mayor and Council no later than 18 months after the effective date of this act.

(2) The report shall include recommendations to reform or improve MPD's hiring and training practices, policies, practice, and disciplinary system to better prevent, detect, and respond to white supremacist or other hate group ties among MPD officers and staff that suggest they are not able to enforce the law fairly, and to better investigate and discipline officers for such behavior.

#### SUBTITLE S. LIMITATIONS ON THE USE OF VEHICULAR PURSUITS BY LAW ENFORCEMENT OFFICERS.

##### Sec. 127. Definitions.

(a) For the purposes of this subtitle, the term:

(1) "Boxing in" means a practice or tactic in which law enforcement officers intentionally surround a suspect motor vehicle with pursuit vehicles and then reduce the traveling speed of the pursuit vehicles with the intent to stop or slow the suspect motor vehicle.

(2) "Caravanning" means a practice or tactic in which a law enforcement officer operates a pursuit vehicle without maintaining a reasonable distance between another pursuit vehicle.

(3) "Crime of violence" shall have the same meaning as provided in D.C. Official Code § 23-1331(4).

(4) "Deploying a roadblock" means a tactic or practice in which a law enforcement officer intentionally places a vehicle or object in the path of the suspect vehicle with the intent to stop the suspect motor vehicle.

(5)(A) "Deploying a tire deflation device" means a tactic or practice in which a law enforcement officer intentionally places or activates a device that extends across the roadway with the intent to slow or stop a suspect vehicle.

(B) The term "deploying a tire deflation device" does not include raising bollards or other barricades when:

(i) The bollard or barricade is clearly visible to the operator of the suspect motor vehicle; and

(ii) The bollard or barricade is raised in a manner that provides the operator of the suspect motor vehicle adequate time to safely avoid the bollard or barricade.

(6) "Law enforcement officer" shall have the same meaning as provided in D.C. Official Code § 23-501(2).

(7) "Motor vehicle" means an automobile, all-terrain vehicle, a motorcycle, moped, or any other vehicle designed to be propelled only by an internal-combustion engine or electricity.

(8) "Paralleling" means a practice or tactic in which a law enforcement officer operates a pursuit vehicle in the same direction and at approximately the same speed as the suspect motor vehicle using another street or highway parallel to the direction or route of the suspect motor vehicle.

(9) "Pursuit vehicle" means any motor vehicle operated by a law enforcement officer during a vehicular pursuit of a fleeing suspect.

(10) "Ramming" means a tactic in which a law enforcement officer intentionally causes a pursuit vehicle to come into physical contact with a suspect motor vehicle with the intent to damage, slow, or stop the suspect motor vehicle, regardless of the speed of the pursuit vehicle.

(11) "Serious bodily injury" means a bodily injury or significant bodily injury that involves:

- (A) A substantial risk of death;
- (B) Protracted and obvious disfigurement;
- (C) Protracted loss or impairment of the function of a bodily member or organ; or
- (D) Protracted loss of consciousness.

(12) "Vehicular pursuit" means the operation of a pursuit vehicle in a manner that is not consistent with the posted speed limit or other applicable traffic regulations in an attempt to apprehend a suspect who is eluding apprehension while operating a motor vehicle.

Sec. 128. Law enforcement vehicular pursuit reform.

(a) A law enforcement officer shall not engage in a vehicular pursuit of a suspect motor vehicle unless the law enforcement officer actually and reasonably believes:

(1) The fleeing suspect:

- (A) Has committed or attempted to commit a crime of violence; or
- (B) Poses an immediate threat of death or serious bodily injury to another

person;

(2) The vehicular pursuit is:

- (A) Immediately necessary to protect another person, other than the fleeing suspect, from the threat of serious bodily injury or death; and
- (B) Not likely to cause death or serious bodily injury to any person; and

(3) All other options have been exhausted or do not reasonably lend themselves to the circumstances.

(b) In any grand jury, criminal, delinquency, or civil proceeding where an officer's use of a vehicular pursuit is a material issue, the trier of fact shall consider:

(1) The reasonableness of the law enforcement officer's belief and actions from the perspective of a reasonable law enforcement officer; and

(2) The totality of the circumstances, which shall include:

- (A) Whether the identity of the suspect was known;
- (B) Whether the suspect could have been apprehended at a later time;



(C) The likelihood of a person, including the suspect motor vehicle's occupants, being endangered by the vehicular pursuit, including the type of area, the time of day, the amount of vehicular and pedestrian traffic, and the speed of the vehicular pursuit;

(D) The availability of other means to apprehend or track the fleeing suspect, such as helicopters;

(E) Whether circumstances arose during the vehicular pursuit that rendered the pursuit futile or would have required the vehicular pursuit to continue for an unreasonable time or distance, including:

(i) The distance between the pursuing law enforcement officers and the fleeing motor vehicle; and

(ii) Whether visual contact with the suspect motor vehicle was lost, or the suspect motor vehicle's location was no longer known;

(F) Whether the law enforcement officer's pursuit vehicle sustained damage or a mechanical failure that rendered it unsafe to operate;

(G) Whether the law enforcement officer was directed to terminate the pursuit by the pursuit supervisor or a higher-ranking supervisor;

(H) The law enforcement officer's training and experience;

(I) Whether anyone in the suspect motor vehicle:

(i) Appeared to possess, either on their person or in a location where it is readily available, a dangerous weapon; and

(ii) Was afforded an opportunity to comply with an order to surrender any suspected dangerous weapons;

(J) Whether the law enforcement officer, or another law enforcement officer in close proximity, engaged in reasonable de-escalation measures;

(K) Whether any conduct by the law enforcement officer prior to the vehicular pursuit unreasonably increased the risk of a confrontation resulting in a vehicular pursuit; and

(L) Whether the law enforcement officer made all reasonable efforts to prevent harm, including abandoning efforts to apprehend the suspect.

(c)(1) The following practices or tactics employed by a law enforcement officer shall constitute a serious use of force:

(A) Boxing in;

(B) Caravanning;

(C) Deploying a roadblock;

(D) Deploying a tire deflation device; and

(E) Paralleling.

(2) Ramming shall constitute a deadly use of force.

SUBTITLE T. SCHOOL POLICE INCIDENT OVERSIGHT AND  
ACCOUNTABILITY.

Sec. 129. The Attendance Accountability Amendment Act of 2013, effective September 19, 2013 (D.C. Law 20-17; D.C. Official Code § 38-236.01 *et seq.*), is amended as follows:

(a) Section 201 (D.C. Official Code § 38-236.01) is amended as follows:

(1) A new paragraph (10A) is added to read as follows:

“(10A) “Law enforcement officer” means:

“(A) An officer or member of the Metropolitan Police Department or any other police force operating in the District;

“(B) An on-duty, civilian employee of the Metropolitan Police Department;

“(C) An investigative officer or agent of the United States;

“(D) An on-duty, licensed special police officer or security guard;

“(E) An on-duty, licensed campus police officer;

“(F) An on-duty employee of the Department of Corrections or Department of Youth Rehabilitation Services;

“(G) An on-duty employee of the Pretrial Services Agency, Court Services and Offender Supervision Agency, or Superior Court Family Court Social Services Division; or

“(H) An employee of the Office of the Inspector General who, as part of their official duties, conducts investigations of alleged felony violations.”.

(2) Paragraph (17) is amended to read as follows:

“(17) “School-related arrest” means an arrest of a student that occurred, or was based on conduct that occurred, at a District of Columbia Public School or public charter school, on its grounds, within a school vehicle or other form of transportation, or at a school-sponsored activity.”.

(b) Section 209(a)(2) (D.C. Official Code § 38-236.09(a)(2)) is amended as follows:

(1) Subparagraph (G) is amended by striking the phrase “arrest; and” and inserting the phrase “arrest and the reason for involving law enforcement officers;” in its place.

(2) A new subparagraph (G-i) is added to read as follows:

“(G-i) The type and count of weapons or controlled substances recovered during a school-related arrest; and”.

(3) Subparagraph (H) is amended to read as follows:

“(H) A description of the conduct that led to or reasoning behind each suspension, involuntary dismissal, emergency removal, disciplinary unenrollment, voluntary withdrawal or transfer, referral to law enforcement, school-related arrest, recovery of weapons, recovery of controlled dangerous substances, and, for students with disabilities, change in placement; and”.

Sec. 130. Section 386 of the Revised Statutes of the District of Columbia (D.C. Official Code § 5-113.01), is amended as follows:

(a) Subsection (a) is amended as follows:

(1) Paragraph (4B)(K) is amended by striking the period and inserting a semicolon in its place.

(2) Paragraph (4C)(G) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(3) Paragraph (4D) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(4) A new paragraph (4E) is added to read as follows:

“(4E) The following information, disaggregated by school, except in cases where disaggregation could reveal a student’s identity:

“(A) The number of times a law enforcement officer was dispatched to, or requested by, a school;

“(B) The incident or arrest classification;

“(C) The number of school-related arrests, as that term is defined in section 201(17) of the Attendance Accountability Amendment Act of 2013, effective August 25, 2018 (D.C. Law 22-157; D.C. Official Code § 38-236.01(17)), involving an officer;

“(D) The type and count of weapons or controlled substances recovered from any school-related event, whether or not an arrest occurred; and

“(E) Demographic data for any student and law enforcement officer involved in a stop or school-based arrest, including:

“(i) Race and ethnicity;

“(ii) Gender; and

“(iii) Age; and”.

(b) Subsection (c) is amended by adding a new paragraph (1A) to read as follows:

“(1A) Biannually, aggregated data collected in accordance with subsection (a)(4E) of this section;”.

#### SUBTITLE U. OPIOID OVERDOSE PREVENTION.

Sec. 131. Section 4(b) of the Drug Paraphernalia Act of 1982, effective September 17, 1982 (D.C. Law 4-149; D.C. Official Code § 48-1103(b)), is amended by adding a new paragraph (1B) to read as follows:

“(1B) Notwithstanding paragraph (1) of this subsection, it shall not be unlawful for District government employees, contractors, and grantees, acting within the scope of their employment, contract, or grant, to deliver, or possess with intent to deliver, drug paraphernalia for the personal use of a controlled substance.”.

#### SUBTITLE V. METROPOLITAN POLICE DEPARTMENT OVERTIME SPENDING TRANSPARENCY.

Sec. 132. Section 386 of the Revised Statutes of the District of Columbia (D.C. Official Code § 5-113.01), is amended as follows:

(a) Subsection (c)(1) is amended as follows:



(1) Subparagraph (A) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(2) Subparagraph (B)(ii) is amended by striking the semicolon and inserting the phrase “; and” in its place.

(3) A new subparagraph (C) is added to read as follows:

“(C) Copies of the overtime pay spending reports submitted to the Council as described in subsection (d) of this section.”.

(b) A new subsection (d) is added to read as follows:

“(d) MPD shall provide a written report every 2 pay periods on MPD’s overtime pay spending to the Council that describes the amount spent year-to-date on overtime pay and the staffing plan and conditions justifying the overtime pay.”.

#### SUBTITLE W. METROPOLITAN POLICE DEPARTMENT CADET PROGRAM EXPANSION.

Sec. 133. Section 2 of the Police Officer and Firefighter Cadet Programs Funding Authorization and Human Rights Act of 1977 Amendment Act of 1982, effective March 9, 1983 (D.C. Law 4-172; D.C. Official Code § 5-109.01), is amended as follows:

(a) Subsection (a) is amended to read as follows:

“(a)(1) The Chief of the Metropolitan Police Department (“MPD”) shall establish a police officer cadet program for the purpose of instructing, training, and exposing cadets to:

“(A) MPD’s operations; and

“(B) The duties and responsibilities of serving as an MPD police officer.

“(2) The police officer cadet program established in paragraph (1) of this subsection shall be composed of the following persons residing in the District, who shall have substantial ties to the District, such as currently or formerly residing, attending school, or working in the District for a significant period of time:

“(A) Senior-year high school students; and

“(B) High school graduates under 25 years of age.”.

(b) Subsection (b) is amended by striking the phrase “the Metropolitan Police Department” and inserting the acronym “MPD” in its place.

#### SUBTITLE X. PUBLIC RELEASE OF RECORDS RELATED TO MISCONDUCT AND DISCIPLINE.

Sec. 134. Section 204 of the Freedom of Information Act of 1976, effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-534), is amended by adding new subsections (d-1) and (d-2) to read as follows:

“(d-1)(1) Notwithstanding any provision of this act, a request under this act for disciplinary records shall not be categorically denied or redacted on the basis that it constitutes an unwarranted invasion of a personal privacy for officers within the Metropolitan Police Department (“MPD”), the District of Columbia Housing Authority Police Department

("HAPD"), or the Office of the Inspector General ("OIG"), except as described in paragraph (3) of this subsection.

"(2) For the purposes of this subsection, the term "disciplinary records" means any record created in furtherance of a disciplinary proceeding for, or an Office of Police Complaints ("OPC") investigation of, an MPD, HAPD, or OIG officer, regardless of whether the matter was fully adjudicated or resulted in policy training, including:

"(A) The name of the officer complained of, investigated, or charged;

"(B) The complaints, allegations, and charges against the officer;

"(C) The transcript of any disciplinary trial or hearing, including any exhibits introduced at the trial or hearing;

"(D) The disposition of any disciplinary proceeding;

"(E) The final written opinion or memorandum supporting the disposition and any discipline imposed, including the MPD's, HAPD's, or OIG's complete factual findings and its analysis of the conduct and appropriate discipline of the officer; and

"(F) Any other record or document created by OPC, MPD, HAPD, or OIG in anticipation of, or in preparation for, any disciplinary proceeding.

"(3) When providing records or information related to disciplinary records, the responding public body may redact:

"(A) With respect to the officer or the complainant, records or information related to:

"(i) Technical infractions solely pertaining to the enforcement of administrative departmental rules that do not involve interactions with members of the public and are not otherwise connected to the officer's investigative, enforcement, training, supervision, or reporting responsibilities;

"(ii) Their medical history, except in cases where the medical history is a material issue in the basis of the complaint; and

"(iii) Their use of an employee assistance program, including mental health treatment, substance abuse treatment service, counseling, or therapy, unless such use is mandated by a disciplinary proceeding that may be otherwise disclosed pursuant to this subsection; and

"(B) With respect to any person:

"(i) Personal contact information, including home addresses, telephone numbers, and email addresses;

"(ii) Any social security numbers;

"(iii) Any records or information that preserves the anonymity of whistleblowers, complainants, victims, and witnesses; and

"(iv) Any other records or information otherwise exempt from disclosure under this section other than subsection (a)(2) of this section.

"(d-2) Notwithstanding any other provision of law, agencies shall not categorically treat law enforcement disciplinary records as falling within any exemption listed in this section."

Sec. 135. The Office of Citizen Complaint Review Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-208; D.C. Official Code § 5-1101 *et seq.*), is amended by adding new sections 17 and 18 to read as follows:

“Sec. 17. Officer disciplinary records database.

“(a) Notwithstanding section 3105 of the District of Columbia Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-631.05), by December 31, 2024, the Office shall maintain a publicly accessible database that contains the following information related to sustained allegations of misconduct pertaining to an officer’s commission of a crime, the officer’s interactions with members of the public, or the officer’s integrity in criminal investigations, as determined by the Office, MPD, DCHAPD, or OIG for incidents that occurred on or after the effective date of the Comprehensive Policing and Justice Reform Amendment Act of 2022, passed on 2nd reading on December 20, 202 (Enrolled version of Bill 24-320):

“(1) The name, badge number, rank, length of service, and current duty status of an officer against whom an allegation of misconduct has been sustained;

“(2) A description of:

“(A) The complaint that is the basis of the sustained allegation of misconduct, if initiated by a complaint; or

“(B) The conduct that is the basis of the sustained allegation of misconduct, if initiated by another means;

“(3) Whether the allegation of misconduct was initiated by:

“(A) MPD;

“(B) DCHAPD;

“(C) OIG;

“(D) A complaint submitted to the Office pursuant to section 8(a);

“(E) The Executive Director as described in section 8(g-1); or

“(F) Other entity;

“(4) A description of the final disposition and a copy of the final order or written determination;

“(5) The discipline imposed on the officer in response to the sustained allegation of misconduct and the date on which it was imposed;

“(6) If applicable, the discipline recommended by the Office, as described in section 12(i)(1)(A); and

“(7) Whether the officer or another entity has requested an appeal regarding the sustained allegation of misconduct.

“(b) In the event a sustained allegation is successfully appealed, overturned, vacated, or otherwise invalidated, the Office shall remove database entries related to the initial sustained allegation of misconduct.

“(c) MPD shall maintain records necessary to update the database as needed and furnish that information to the Office as requested.

“Sec. 18. Advisory group on public disclosure of disciplinary records.



“(a) The Office shall establish and consult with an advisory group to provide recommendations regarding the public disclosure of disciplinary records through the database described in section 17 or available under the Freedom of Information Act of 1976, effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*), on:

“(1) Records retention policies for District law enforcement agencies;

“(2) Processes for sending data to the Office for timely inclusion in the officer disciplinary database;

“(3) The accessibility and usability of the officer disciplinary database;

“(4) Methods to improve the timeliness of responses to requests for records under the Freedom of Information Act of 1976, effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*);

“(5) Standards for determining whether a record is exempt from disclosure under the Freedom of Information Act of 1976, effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*);

“(6) Standards for determining when and how to redact records;

“(7) Standards for determining whether documents may be furnished without charge or at a reduced charge as described in section 202(b) of the Freedom of Information Act of 1976, effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-532(b));

“(8) Policies for protecting the privacy of witnesses, victims, and juveniles; and

“(9) Whether a need exists to modify the provisions related to the contents of the disciplinary database described in section 17 or the disciplinary records available under the Freedom of Information Act of 1976, effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*).

“(b) The advisory group shall consist of:

“(1) One representative from each of the following agencies:

“(A) The District of Columbia Housing Authority Police Department

“(B) The Metropolitan Police Department;

“(C) The Office of the Attorney General;

“(D) The Office of the Inspector General; and

“(E) The Public Defender Service; and

“(2) One representative from each of the following organizations:

“(A) American Civil Liberties Union;

“(B) DC Open Government Coalition;

“(C) Electronic Privacy Information Center;

“(D) Fraternal Order of Police;

“(E) Reporters Committee for Freedom of the Press; and

“(F) The Network for Victim Recovery of DC.”.

SUBTITLE Y. LIMITING APPLICATION OF DUNCAN ORDINANCE AND OTHER LIMITATIONS ON DATA-SHARING.

Sec. 136. Section 1004 of Title 1 of the District of Columbia Municipal Regulations (1 DCMR § 1004), is amended by adding a new subsection 1004.10 to read as follows:

“1004.10. Nothing in this section shall prohibit the Metropolitan Police Department from providing unexpurgated adult arrest records to employees or contractors working to reduce gun violence, or serve individuals at high risk of being involved in gun violence, within the following District agencies:

- “(a) The Criminal Justice Coordinating Council;
- “(b) The Office of Gun Violence Prevention;
- “(c) The Office of Neighborhood Safety and Engagement;
- “(d) The Office of the Attorney General; and
- “(e) The Office of Victim Services and Justice Grants.”.

Sec. 137. The Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective May 27, 2010 (D.C. Law 18-160; D.C. Official Code § 1-301.81 *et seq.*), is amended by adding a new section 122 to read as follows:

“Sec. 122. Publication of arrest data.

“(a) To facilitate the Office of the Attorney General’s (“OAG”) ability to publish data about its prosecution practices, including data about how its prosecution decisions break down by race and other demographic factors, OAG shall be permitted to analyze and publish all arrest data that the Metropolitan Police Department (“MPD”) transfers to OAG, regardless of whether it transfers that data via electronic or other means.

“(b) MPD shall cooperate with OAG’s reasonable requests for information about the arrest data that it transfers to OAG, including requests for information about how MPD cleans and publishes its arrest data on its own website.”.

SUBTITLE Z. DEPUTY AUDITOR FOR PUBLIC SAFETY

Sec. 138. The District of Columbia Auditor Subpoena and Oath Authority Act of 2004, effective April 22, 2004 (D.C. Law 15-146; D.C. Official Code § 1-301.171 *et seq.*), is amended by adding new sections 4b and 4c to read as follows:

“Sec. 4b. Deputy Auditor for Public Safety.

“(a) There is established within the Office of the District of Columbia Auditor the position of Deputy Auditor for Public Safety.

“(b) The Deputy Auditor for Public Safety shall be appointed by the Auditor.

“(c) In addition to other qualifications the Auditor considers necessary, the Deputy Auditor for Public Safety shall, at a minimum, have knowledge of law enforcement and corrections policies and practices, particularly regarding internal investigations for officer misconduct and uses of force.

“Sec. 4c. Duties of the Deputy Auditor for Public Safety.

"The Deputy Auditor for Public Safety shall, in addition to any other responsibilities assigned by the Auditor or by law:

"(1) Conduct periodic reviews of the complaint review process and make recommendations, where appropriate, to the Mayor, the Council, and the designated agency principal concerning the status and the improvement of the complaint process and the management of the Metropolitan Police Department ("MPD") and the District of Columbia Housing Authority Police Department ("DCHAPD") affecting the incidence of police misconduct, such as the recruitment, training, evaluation, discipline, and supervision of police officers; and

"(2) Periodically review the following with respect to MPD, DCHAPD, or the Office of the Inspector General:

"(A) The number, type, and disposition of complaints received, investigated, sustained, or otherwise resolved;

"(B) The race, national origin, gender, and age of the complainant, if known, and the subject officer or officers;

"(C) The proposed discipline and the actual discipline imposed on a police officer as a result of any sustained complaint;

"(D) All use of force incidents, serious use of force incidents, and serious physical injury incidents; and

"(E) Any in-custody death."

Sec. 139. Section 903(a)(4) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-609.03(a)(4)), is amended by striking the phrase "than 4 persons" and inserting the phrase "than 5 persons" in its place.

## TITLE II. CONFORMING AMENDMENT.

Sec. 201. The amendatory § 22A-101(75) within section 101 of the Revised Criminal Code Act, passed on 2nd reading on November 15, 2022 (Enrolled version of Bill 24-416), is amended as follows:

(a) Subparagraph (F) is amended by striking the phrase "; or" and inserting a semicolon in its place.

(b) Subparagraph (G) is amended by striking the semicolon and inserting the phrase "; or" in its place.

(c) A new subparagraph (H) is added to read as follows:

"(H) An employee of the District of Columbia Office of the Inspector General who, as part of their official duties, conducts investigations of alleged felony violations."



TITLE III. APPLICABILITY; FISCAL IMPACT STATEMENT; EFFECTIVE DATE.

Sec. 301. Applicability.

(a)(1) Sections 105, 125, 134, and 135, amendatory section 4c in section 138, and section 139 shall apply upon the date of inclusion of their fiscal effect in an approved budget and financial plan.

(2) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(3)(A) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(B) The date of publication of the notice of the certification shall not affect the applicability of the provisions identified in paragraph (1) of this subsection.

(b) Sections 117 and 118 shall apply retroactively to any matter pending, before any court or adjudicatory body, as of the effective date of this act under a negotiated grievance process or under Title XVI-A of the District of Columbia Government Comprehensive Merit Personnel Act, effective June 10, 1998 (D.C. Law 12-124; D.C. Official Code § 1-616.51 *et seq.*), or any related regulations.

(c) Section 121 shall apply as of October 1, 2023.

(d) Section 129 shall apply as of September 1, 2023.

Sec. 302. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 303. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 60-day period of congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.



Chairman  
Council of the District of Columbia

\_\_\_\_\_  
UNSIGNED

Mayor  
District of Columbia  
January 19, 2023



COUNCIL OF THE DISTRICT OF COLUMBIA  
WASHINGTON, DC, 20004

Docket No. B24-0320

[ ] ITEM ON CONSENT CALENDAR

[X] ACTION

First Reading

[X] VOTE DATE

December 6, 2022

[ ] VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT


Gray, and Pinto

[X] ROLL CALL VOTE – Result

Approved

| Council Member     | Aye | Nay | NV | AB | Rec         | Council Member           | Aye | Nay | NV | AB | Rec           | Council Member | Aye | Nay | NV | AB | Rec |
|--------------------|-----|-----|----|----|-------------|--------------------------|-----|-----|----|----|---------------|----------------|-----|-----|----|----|-----|
| Chairman Mendelson | X   |     |    |    |             | Henderson                | X   |     |    |    |               | R. White       | X   |     |    |    |     |
| Allen              | X   |     |    |    |             | Lewis George             | X   |     |    |    |               | Silverman      | X   |     |    |    |     |
| Bonds              | X   |     |    |    |             | McDuffie                 | X   |     |    |    |               | T. White       | X   |     |    |    |     |
| Cheh               | X   |     |    |    |             | Nadeau                   | X   |     |    |    |               |                |     |     |    |    |     |
| Gray               |     |     |    | X  |             | Pinto                    |     |     |    | X  |               |                |     |     |    |    |     |
| X - Indicate Vote  |     |     |    |    | AB – Absent | NV - Present, Not Voting |     |     |    |    | Rec - Recused |                |     |     |    |    |     |

CERTIFICATION RECORD

  
Secretary to the Council

1-1-23  
Date

Docket No. B24-0320

[ ] ITEM ON CONSENT CALENDAR

[X] ACTION

Final Reading

[X] VOTE DATE

December 20, 2022

[ ] VOICE VOTE

RECORDED VOTE ON REQUEST


ABSENT

[X] ROLL CALL VOTE – Result

Approved

| Council Member     | Aye | Nay | NV | AB | Rec         | Council Member           | Aye | Nay | NV | AB | Rec           | Council Member | Aye | Nay | NV | AB | Rec |
|--------------------|-----|-----|----|----|-------------|--------------------------|-----|-----|----|----|---------------|----------------|-----|-----|----|----|-----|
| Chairman Mendelson | X   |     |    |    |             | Henderson                | X   |     |    |    |               | R. White       | X   |     |    |    |     |
| Allen              | X   |     |    |    |             | Lewis George             | X   |     |    |    |               | Silverman      | X   |     |    |    |     |
| Bonds              | X   |     |    |    |             | McDuffie                 | X   |     |    |    |               | T. White       | X   |     |    |    |     |
| Cheh               | X   |     |    |    |             | Nadeau                   | X   |     |    |    |               |                |     |     |    |    |     |
| Gray               | X   |     |    |    |             | Pinto                    | X   |     |    |    |               |                |     |     |    |    |     |
| X - Indicate Vote  |     |     |    |    | AB – Absent | NV - Present, Not Voting |     |     |    |    | Rec - Recused |                |     |     |    |    |     |

CERTIFICATION RECORD

  
Secretary to the Council

1-1-23  
Date